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OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTIETH LEGISLATURE

**THIRTY-SIXTH LEGISLATIVE DAY
MONDAY, FEBRUARY 15, 2010**

Senate Chamber

President Little called the Senate to order at 11 a.m.

Roll call showed all members present except Senator Pearce, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Rachel Schiell-Pagel, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 12, 2010, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SCR 116

BY RESOURCES AND ENVIRONMENT COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN FINAL RULE OF THE IDAHO DEPARTMENT OF FISH AND GAME RELATING TO RULES GOVERNING CLASSIFICATION AND PROTECTION OF WILDLIFE.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain final rule of the Idaho Department of Fish and Game relating to Rules Governing Classification and Protection of Wildlife is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 13.01.06, Rules Governing Classification and Protection of Wildlife, Section 200, Protected Nongame Species, Subsection

.04, only, a final rule, be, and the same is hereby rejected and declared null, void and of no force and effect.

SJM 104

BY AGRICULTURAL AFFAIRS COMMITTEE

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Sixtieth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, since the year 2007, all horse processing facilities throughout the United States have been closed, resulting in an ever increasing issue of concern for many citizens; and

WHEREAS, federal legislation has been introduced to amend Title 18 of the U.S. Code to make it illegal to knowingly possess, ship, transport, purchase, sell, deliver or receive any horse intended for human consumption; and

WHEREAS, annual congressional appropriation provisions enacted since fiscal year 2008 have prohibited the expenditure of any federal funding for the inspection of horses prior to processing for human consumption and prohibited the United States Department of Agriculture from issuing rules that provide for a user-fee system for inspections; and

WHEREAS, the loss of secondary markets has severely impacted the livestock industry by eliminating the salvage value of horses and has dramatically reduced the market value of all horses; and

WHEREAS, prohibitions regarding the processing of horses have resulted in significant increases in abandoned and starving animals and have had significant economic impact on the entire equine industry. The Humane Society of the United States has acknowledged the extreme costs and staff time needed to shelter unwanted horses; and

WHEREAS, the American Association of Equine Practitioners has estimated the cost of a horse's basic care is approximately \$1,825 annually not including veterinary and farrier care; and

WHEREAS, the National Horse Protection Coalition, a proponent of processing bans, acknowledges that rescue organizations will not adopt all unwanted horses and some will indeed be euthanized; and

WHEREAS, the American Horse Protection Association has observed that not all sanctuaries may have the means or business skills to take in large numbers of horses, and that no nationwide standard-setting or oversight system exists for them at this time; and

WHEREAS, in 2006, the last full year in which horse processing was done in the United States, 105,000 surplus horses were processed. The United States Bureau of Land Management was housing in excess of 31,000 surplus wild horses in holding facilities as of September, 2009; and

WHEREAS, issues related to the humane handling and processing of surplus horses are best addressed by proper regulations and inspection and state agriculture and rural leaders recognize the necessity and benefit of a state's ability to direct the transport and processing of horses.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that Congress is urged to oppose federal legislation that interferes

with a state's ability to direct the transport and processing of horses and is encouraged to discontinue language in the yearly appropriation bills which has effectively ended processing of horses in the United States.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

[SCR 116](#) and [SJM 104](#) were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 15, 2010

The JUDICIARY AND RULES Committee reports that [S 1344](#), [S 1345](#), [S 1346](#), [S 1347](#), [S 1348](#), [S 1349](#), [S 1350](#), [S 1351](#), [S 1352](#), [S 1353](#), [S 1354](#), [SP 102](#), and [SCR 115](#) have been correctly printed.

DARRINGTON, Chairman

[S 1344](#), [S 1345](#), and [S 1346](#) were referred to the Agricultural Affairs Committee.

[S 1347](#) was referred to the Commerce and Human Resources Committee.

[S 1348](#), [S 1349](#), [S 1350](#), [S 1351](#), and [S 1352](#) were referred to the Transportation Committee.

[S 1353](#) and [S 1354](#) were referred to the State Affairs Committee.

[SP 102](#) and [SCR 115](#) were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 12, 2010

The JUDICIARY AND RULES Committee reports that [S 1292](#) and [S 1293](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1292](#) and [S 1293](#) and ordered them transmitted to the House for the signature of the Speaker.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

February 12, 2010

Dear Mr. President:

I transmit herewith [HCR 36](#) and [HCR 37](#), which have passed the House.

ALEXANDER, Chief Clerk

[HCR 36](#) and [HCR 37](#) were filed for first reading.

February 12, 2010

Dear Mr. President:

I transmit herewith Enrolled [H 388](#), [H 439](#), and [H 440](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 388](#), [H 439](#), and [H 440](#) and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that the State Affairs Committee report relative to the Gubernatorial appointment of Tom Kealey was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Kelly, seconded by Senator Fulcher, the Gubernatorial appointment of Tom Kealey as a member of the Idaho Endowment Fund Investment Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the State Affairs Committee report relative to the Gubernatorial appointment of Richelle Sugiyama was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Winder, seconded by Senator Kelly, the Gubernatorial appointment of Richelle Sugiyama as a member of the Idaho Endowment Fund Investment Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Resources and Environment Committee report relative to the Gubernatorial appointment of Richard Bronson was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Schroeder, seconded by Senator Kelly, the Gubernatorial appointment of Richard Bronson as a member of the State Soil Conservation Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1355

BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO FOREST PRODUCTS; AMENDING SECTION 38-1209, IDAHO CODE, TO PROVIDE THAT CERTAIN ASSESSMENTS SHALL NOT BE LEVIED MORE THAN ONCE UNLESS EXPRESSLY PROVIDED BY SPECIFIED

LAW, TO PROVIDE THAT CERTAIN ASSESSMENTS SHALL BE LEVIED AGAINST AND PAID BY BOTH THE TIMBER OWNER AND THE TIMBER PURCHASER, TO PROVIDE AN EXCEPTION, TO PROVIDE THAT ASSESSMENTS SHALL BE LEVIED TWICE IN AN EQUAL AMOUNT, TO PROVIDE THAT CERTAIN ASSESSMENTS SHALL NOT BE LEVIED AGAINST THE STATE OF IDAHO, TO PROVIDE THAT THE TIMBER PURCHASER SHALL WITHHOLD ASSESSED MONEY OWED BY THE TIMBER OWNER, TO PROVIDE FOR PAYMENT TO THE BOARD AND TO PROVIDE FOR TRANSMITTAL OF ASSESSMENT MONEY BY THE TIMBER PURCHASER.

S 1356

BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO OUTFITTERS AND GUIDES; AMENDING SECTION 36-2103, IDAHO CODE, TO DELETE DUPLICATIVE VERBIAGE, TO PROVIDE AN EXCEPTION TO APPLICABILITY OF SPECIFIED LAW RELATING TO CERTAIN COLLEGES AND UNIVERSITIES, INCLUDING EMPLOYEES AND STUDENTS AND TO PROVIDE CONDITIONS.

[S 1355](#) and [S 1356](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[HCR 36](#) and [HCR 37](#), by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1247](#), by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

[H 390](#), by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[S 1299](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Andreason, Pearce. Total - 2.

Total - 35.

Whereupon the President declared [S 1299](#) passed, title was approved, and the bill ordered transmitted to the House.

Senator Pearce was recorded present at this order of business.

[H 441](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator

Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 441](#) passed, title was approved, and the bill ordered returned to the House.

[H 380](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 380](#) passed, title was approved, and the bill ordered returned to the House.

[H 381](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 381](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate went at ease and resolved itself into the Committee for the Memorial Service.

MEMORIAL SERVICE

The Service was conducted by Memorial Service Committee Chairmen Senators Brackett and Mortimer. The Invocation was delivered by Senator Mortimer. Musical selections, "Monti's Chardas" and "Suite No. One Prelude" were performed by Miss Idaho, Kara Jackson. The Service was coordinated by June Keithly and Mary Harvey.

**IN THE SENATE
A SENATE MEMORIAL**

A SENATE MEMORIAL

WHEREAS, the late Senator BRUCE L. SWEENEY passed on since the close of the First Regular Session of the Sixtieth Legislature to wit, August 18, 2009.

WHEREAS, the late Senator BRUCE L. SWEENEY served in the interest of Nez Perce County during the 47th through the 54th Legislatures.

NOW, THEREFORE, BE IT RESOLVED that the Senate of the Second Regular Session of the Sixtieth Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator BRUCE L. SWEENEY; and

BE IT FURTHER RESOLVED that the Senate of the Second Regular Session of the Sixtieth Idaho Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the BRUCE L. SWEENEY family.

The Benediction was offered by Senate Chaplain, Pastor Montie Ralstin.

On motion by Senator Stegner, seconded by Senator Kelly, the Memorial to the late Senator Sweeney was adopted by voice vote.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

On motion by Senator Davis, seconded by Senator Kelly, by voice vote the Senate recessed at 12:20 p.m. until the hour of 4 p.m. of this day.

**RECESS
AFTERNOON SESSION**

The Senate reconvened at 4 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senators Cameron, Goedde, Keough, and Stegner, absent and excused.

Prior to recess the Senate was at the Fifth Order of Business, Petitions, Resolutions, and Memorials.

Senator Goedde was recorded present at this order of business.

**SCR 117
BY HEALTH AND WELFARE COMMITTEE**

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE DEPARTMENT OF HEALTH AND WELFARE RELATING TO RULES GOVERNING CERTIFIED FAMILY HOMES.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291,

Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Department of Health and Welfare relating to Rules Governing Certified Family Homes is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 16.03.19, Rules Governing Certified Family Homes, Section 701, Manufactured Homes, Subsection 01.a, only, a final rule, be, and the same is hereby rejected and declared null, void and of no force and effect.

SCR 118

BY RESOURCES AND ENVIRONMENT COMMITTEE

A CONCURRENT RESOLUTION

STATING THE FINDINGS OF THE LEGISLATURE AND STRONGLY ENCOURAGING AND URGING THE IDAHO DEPARTMENT OF FISH AND GAME AND THE GOVERNOR'S OFFICE OF SPECIES CONSERVATION TO TAKE THE LEAD IN ARRANGING MEETINGS WITH SIMILAR AGENCIES IN OTHER STATES TO ESTABLISH, THROUGH DIALOGUE, COOPERATIVE AND COLLABORATIVE EFFORTS IN ADDRESSING ISSUES RELATING TO WOLF MANAGEMENT AND CONTROL.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, since the delisting of wolves in May of 2009, Idaho's Department of Fish and Game has been tasked with the management of wolves in the state of Idaho; and

WHEREAS, the mission of the Governor's Office of Species Conservation is to coordinate policies and programs related to the conservation of threatened, endangered and candidate species in Idaho; and

WHEREAS, there are roughly a dozen states in the country where gray wolves exist in the wild and many of those states are also involved in addressing issues relating to wolf population and management, particularly in the upper Great Lakes region and the Northern Rocky Mountain region; and

WHEREAS, past and present litigation involving gray wolves has cost the state of Idaho a significant amount of public money and resources. Other states have also been faced with lengthy litigation efforts involving gray wolves; and

WHEREAS, in numerous areas of the country, wolves are addressed regionally by the U.S. Fish and Wildlife Service. The actions of one state can thereby impact other states considered to be part of its region; and

WHEREAS, cooperative and collaborative efforts between state agencies is often of significant value and benefit in addressing and resolving issues of common concern, including natural resource related issues that overlap state borders.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we strongly encourage and urge the Idaho Department of Fish and Game and the Governor's Office of Species Conservation to take the lead in arranging meetings with similar agencies in other states to establish, through dialogue, cooperative and collaborative efforts in addressing issues relating to wolf management and control.

[SCR 117](#) and [SCR 118](#) were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1357

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLE SERVICE CONTRACTS; AMENDING SECTION 49-2803, IDAHO CODE, TO PROVIDE FOR APPLICATION OF LAW, TO PROVIDE PROVISIONS AND REQUIREMENTS RELATING TO SERVICE CONTRACT LIABILITY POLICIES; AND AMENDING CHAPTER 28, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-2805A, IDAHO CODE, TO PROVIDE THAT IT SHALL BE UNLAWFUL FOR ANY COMPANY TO REPRESENT IN ANY MANNER A FALSE, DECEPTIVE OR MISLEADING STATEMENT REGARDING SUCH COMPANY'S AFFILIATION WITH CERTAIN MANUFACTURERS, SUCH COMPANY'S POSSESSION OF INFORMATION REGARDING CERTAIN MANUFACTURER'S EQUIPMENT WARRANTIES, ALL INDICATIONS THAT SUCH COMPANY'S RECORDS SHOW A CERTAIN WARRANTY IS NEARING OR PAST EXPIRATION, A REQUIREMENT THAT A VEHICLE OWNER REGISTER FOR A CERTAIN CONTRACT, AND TO PROVIDE FOR A MISDEMEANOR, TO PROVIDE FOR PENALTIES, AND TO PROVIDE FOR ENFORCEMENT.

S 1358

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO RECREATIONAL ACTIVITIES AND REGISTRATION FEES; AMENDING SECTION 67-7122, IDAHO CODE, TO REVISE A DATE AND A REGISTRATION FEE AND TO REVISE A RENEWAL FEE; AMENDING SECTION 67-7126, IDAHO CODE, TO REVISE A FEE REFERENCE AND TO PROVIDE THAT THREE DOLLARS FROM A REGISTRATION FEE SHALL BE DEPOSITED INTO THE OFF-HIGHWAY VEHICLE LAW ENFORCEMENT FUND.

S 1359

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO DEALERS AND SALESMEN LICENSING; AMENDING SECTION 49-1603, IDAHO CODE, TO INCREASE THE NUMBER OF VOTING MEMBERS ON THE DEALER ADVISORY BOARD AND TO PROVIDE FOR ONE NONVOTING MEMBER ON THE DEALER ADVISORY BOARD.

S 1360

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO THE SAFE BOATING ACT; AMENDING SECTION 67-7038, IDAHO CODE, TO PROVIDE THAT IT SHALL NOT BE A VIOLATION TO OPERATE A MOTORBOAT EQUIPPED WITH DEVICES PROVIDED BY THE MANUFACTURER AS STOCK EQUIPMENT THAT ARE NOT USED TO EXCEED CERTAIN NOISE LEVELS AND TO PROVIDE AN EXCEPTION FROM RESPONSIBILITY FOR MOTORBOAT DEALERS RELATING TO CERTAIN NOISE RESTRICTIONS.

S 1361

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO DEALERS AND SALESMEN LICENSING; AMENDING SECTION 49-1602, IDAHO CODE, TO DELETE REFERENCE TO AN OPEN BOOK EXAMINATION AND TO PROVIDE EDUCATION REQUIREMENTS RELATING TO A PRELICENSING CLASS OR PROGRAM; AND AMENDING SECTION 49-1637, IDAHO CODE, TO DELETE REFERENCE TO A COMPREHENSIVE OPEN BOOK EXAMINATION AND TO PROVIDE EDUCATION REQUIREMENTS RELATING TO AN APPROVED PRELICENSING CLASS OR PROGRAM.

S 1362

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO PREVENTION OF MINORS' ACCESS TO TOBACCO AND PERMITTING OF TOBACCO PRODUCT RETAILERS; AMENDING SECTION 39-5704, IDAHO CODE, TO PROVIDE FOR RULES, TO PROVIDE FOR A FEE AND TO PROVIDE FOR THE REMITTANCE OF RECEIPTS; AND AMENDING SECTION 39-5716, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

S 1363

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO DISSOLVABLE TOBACCO; AMENDING CHAPTER 58, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-5813, IDAHO CODE, TO PROHIBIT THE SALE OF DISSOLVABLE TOBACCO WITH AN EXCEPTION.

S 1364

BY EDUCATION COMMITTEE

AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5203, IDAHO CODE, TO PROVIDE A CODE REFERENCE, TO PROVIDE FOR AN EXCEPTION TO THE NUMBER OF NEW PUBLIC CHARTER SCHOOLS THAT MAY BEGIN EDUCATIONAL INSTRUCTION IN ANY ONE SCHOOL YEAR, TO DEFINE A TERM AND TO PROVIDE THAT THE PUBLIC CHARTER SCHOOL COMMISSION SHALL DETERMINE WHETHER A NEW PUBLIC CHARTER SCHOOL MEETS CERTAIN QUALIFICATIONS.

S 1365

BY EDUCATION COMMITTEE

AN ACT

RELATING TO THE RURAL PHYSICIAN INCENTIVE FUND; AMENDING SECTION 33-3724, IDAHO CODE, TO PROVIDE FOR CERTAIN MONEYS PAYABLE INTO THE FUND; AND AMENDING SECTION 33-3725, IDAHO CODE, TO PROVIDE FOR A PREFERENCE.

S 1366

BY EDUCATION COMMITTEE

AN ACT

RELATING TO RECORDS EXEMPT FROM DISCLOSURE; AMENDING SECTION 9-340D, IDAHO CODE, TO EXEMPT CERTAIN FINANCIAL RECORDS OBTAINED OR CREATED BY THE DIRECTOR OF THE STATE BOARD OF EDUCATION OR A REPRESENTATIVE OF THE BOARD.

S 1367
BY EDUCATION COMMITTEE
 AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-3717B, IDAHO CODE, TO PROVIDE RESIDENT STUDENT STATUS TO CERTAIN VETERANS AND CERTAIN OF THEIR DEPENDENTS.

S 1368
BY EDUCATION COMMITTEE
 AN ACT

RELATING TO EDUCATION; PROVIDING LEGISLATIVE INTENT; AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 57, TITLE 33, IDAHO CODE, TO PROVIDE FOR AN ONLINE TEACHING ENDORSEMENT, TO PROVIDE FOR RULES AND TO PROVIDE DEFINITIONS; AMENDING SECTION 33-1619, IDAHO CODE, TO REDESIGNATE THE SECTION; AND PROVIDING EFFECTIVE DATES.

S 1369
BY HEALTH AND WELFARE COMMITTEE
 AN ACT

RELATING TO NATUROPATHIC PHYSICIANS; REPEALING CHAPTER 51, TITLE 54, IDAHO CODE, RELATING TO NATUROPATHIC PHYSICIANS LICENSING ACT; AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 51, TITLE 54, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE PURPOSE AND INTENT, TO DEFINE TERMS, TO CREATE THE COMMISSION OF NATUROPATHIC MEDICINE, TO SPECIFY THE POWERS AND DUTIES OF THE COMMISSION OF NATUROPATHIC MEDICINE, TO PROVIDE FOR LICENSURE REQUIREMENTS, TO SPECIFY APPLICATION REQUIREMENTS, TO PROVIDE FOR AN APPROVED NATUROPATHIC MEDICAL PROGRAM, TO SPECIFY QUALIFICATIONS FOR LICENSURE, TO PROVIDE ALTERNATIVE QUALIFICATIONS FOR LICENSURE AND A DEADLINE FOR SUCH APPLICATIONS, TO PROVIDE A TITLE AND SCOPE OF PRACTICE OF LICENSED NATUROPATHIC PHYSICIANS, TO PROVIDE FOR HEARING COMMITTEES AND TO PROVIDE THE COMMISSION OF NATUROPATHIC MEDICINE AUTHORITY TO INVESTIGATE, HOLD HEARINGS AND ISSUE SUBPOENAS, TO PROVIDE FOR DISCIPLINARY ACTION, TO PROVIDE FOR AN ADMINISTRATIVE PROCEDURE, TO PROVIDE REQUIREMENTS RELATING TO NATUROPATHIC DOCTORS, TO CREATE THE NATUROPATHIC MEDICAL FORMULARY COUNCIL, TO SPECIFY THE COMPOSITION OF SUCH COUNCIL AND TO CLARIFY THE DUTIES AND LIMITATIONS OF SUCH COUNCIL, TO PROVIDE THAT CERTAIN CONDUCT IS PROHIBITED, TO PROVIDE EXEMPTIONS, TO PROVIDE FOR FEES, TO PROVIDE FOR ENFORCEMENT AND PENALTIES, TO PROVIDE REQUIREMENTS FOR LICENSES ISSUED PURSUANT TO THE NATUROPATHIC PHYSICIANS LICENSING ACT AND TO PROVIDE PREEMPTION; AMENDING SECTION 67-2601, IDAHO CODE, TO PROVIDE THAT THE COMMISSION OF NATUROPATHIC MEDICINE SHALL BE WITHIN THE DEPARTMENT OF SELF-GOVERNING AGENCIES; PROVIDING SEVERABILITY; AND PROVIDING A SUNSET DATE.

S 1357, S 1358, S 1359, S 1360, S 1361, S 1362, S 1363, S 1364, S 1365, S 1366, S 1367, S 1368, and S 1369 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 4:20 p.m. until the hour of 10 a.m., Tuesday, February 16, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary